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13 **UNITED STATES DISTRICT COURT**
FOR THE CENTRAL DISTRICT OF CALIFORNIA

14
15 BOARD OF COMMISSIONERS OF
THE PORT OF NEW ORLEANS,

16 Plaintiff,

17 v.

18 VIRGINIA HARBOR SERVICES,
19 INC., ET AL.,

20 Defendants.

No. SACV11-00437-GW(FFMx)

**ORDER GRANTING MOTION
FOR AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF
EXPENSES AND INCENTIVE
AWARD FOR CLASS
REPRESENTATIVE**

Date: January 19, 2012

Time: 8:30 A.M.

Judge: The Honorable George Wu

Ctrm: 10

1 The Court having considered Settlement Class Counsel's Motion for Award
2 of Attorneys' Fees, Reimbursement of Expenses, and Incentive Award for Class
3 Representative (the "Motion") and the memorandum and declarations in support
4 thereof, and after a duly noticed hearing, hereby finds that:

5 1. The Motion seeks an award of attorneys' fees to Settlement Class
6 Counsel of 25% of the Settlement Fund (\$462,500) plus interest (to be determined
7 at the time of distribution), which is comprised of the settlement payments from
8 Virginia Harbor Services, Inc., Robert B. Taylor and William Alan Potts.
9 Settlement Class Counsel also seek reimbursement of \$48,124.55 in unreimbursed
10 costs and expenses, and an incentive award of \$25,000 for Plaintiff and sole Class
11 Representative Ace Marine Rigging & Supply, Inc. ("Plaintiff").

12 2. The amount of attorneys' fees requested is fair and reasonable under
13 the "percentage-of-the-fund" method. This is confirmed by a lodestar "cross-
14 check," which reveals a negative lodestar multiplier of 0.37.

15 3. The attorneys' fees requested by Settlement Class Counsel were
16 entirely contingent upon success. Class Counsel risked time and effort and
17 advanced significant costs and expenses with no ultimate guarantee of
18 compensation.

19 The award of 25% is warranted for reasons set out in Settlement Class
20 Counsel's moving papers, including but not limited to the following: (1) the
21 excellent result obtained for the Class – payment by the Settling Defendants of
22 \$1,850,000 in cash; (2) the quality and quantity of work performed by Class
23 Counsel; (3) the complexity of issues in this Action; (4) the risks faced by Class
24 Counsel throughout the litigation; and (5) the positive reaction of the Class.

25 The costs and expenses sought were incurred in connection with the
26 prosecution of the litigation for the benefit of the Class and were reasonable and
27 necessary to the further prosecution of this Action.
28

1 5. Plaintiff, the sole Class Representative, is entitled to the requested
2 incentive award in the amount of \$25,000 in recognition of its work performed for
3 the benefit of the Class and the risks undertaken. Indeed, without Plaintiff
4 undertaking the serious financial and reputation risks of this complex class action
5 litigation and protecting the interests of the Class, the Settlements are not likely to
6 have occurred.

7 6. Therefore, upon consideration of the Motion and the memorandum
8 and declarations in support thereof, and based upon all matters of record including
9 the pleadings and papers filed in this action and oral argument given at the hearing
10 on this matter, the Court hereby finds that: (i) the attorneys' fees requested are
11 reasonable and proper; (ii) the expenses requested were necessary, reasonable and
12 proper; and (iii) the incentive award requested is reasonable and warranted.

13 7. Accordingly, it is hereby ORDERED and DECREED that:

- 14 (a) Settlement Class Counsel are awarded attorneys' fees in the
15 amount of 25% of the Settlement Fund (\$462,500) plus interest to
16 be determined at the time of distribution.
- 17 (b) Settlement Class Counsel are awarded reimbursement of
18 unreimbursed costs and expenses in the amount of \$48,124.55.
- 19 (c) Plaintiff, the sole Class Representative, is awarded an incentive
20 award of \$25,000.
- 21 (d) The attorneys' fees, reimbursement of expenses, and incentive
22 award shall be paid from the Settlement Fund and the earned
23 interest thereon.
- 24 (e) The attorneys' fees and expenses shall be allocated amongst Class
25 Counsel by Settlement Class Counsel (Labaton Sucharow LLP) in
26 a manner, which, in Settlement Class Counsel's good-faith
27 judgment, reflects each of Class Counsel's contributions to the
28 establishment, prosecution, and partial resolution of this litigation.

1 DONE AND ORDERED in Chambers in Los Angeles, California, this
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3 19th day of January, 2012.

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7 HONORABLE GEORGE H. WU
8 UNITED STATES DISTRICT JUDGE
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